S.B.Civil Contempt Petition No.179/2006

Kailash Puri Goswami.
vs.
State of Rajasthan and another.

Date : 28.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. RN Upadhyay, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner has filed the present contempt petition with the averments that since the petitioner found someone in possession of the plots no.114 and 115 for which, this Court passed interim order on 12.4.2004, therefore, the petitioner's presume that it might have been disposed of by the respondents. The reason for such presumption is that the U.I.T. has not responded to the petitioner's representation dated 13.6.2006 sent by registered post. The petitioner very specifically stated that the petitioner does not know as to whom these plots have been sold and who encroached upon. The petitioner is not in a position to say with certainty but this is certain that the plot no.114 has been occupied by some one.

The averments made in the contempt petition itself show that there is no allegation on the basis of which any prima-facie opinion can be formed for willful disobedience

of the Court's order by the respondents in any manner. It is unfortunate that without enquiring from the person in possession and without enquiring personally from the U.I.T. the complete facts, this contempt petition has been filed. Mere writing a letter to the U.I.T. and not responding by the U.I.T. in the facts of this case cannot be a reason for not holding enquiry by the petitioner about complete facts about the person who is in occupation and under what right, he has occupied and from when he has occupied the plot.

In view of the above, this contempt petition, having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya